

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, June 10, 2021
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Zoom / City of Muskegon Government Facebook Page

AGENDA

- I. Roll Call
- II. Approval of Minutes from the regular meeting of May 13, 2021.
- III. Public Hearing
 - A. Hearing, Case 2021-13: Request to rezone the property at 1747 7th St from I-2, General Industrial to B-4, General Business, by Muskegon Rescue Mission.
 - B. Hearing, Case 2021-14: Request for a special use permit to expand a non-conforming structure no more than 30% at 1683 Edgewater St, by Ron & Sherri Balaskovitz.
 - C. Hearing, Case 2021-15: Request for a special use permit to allow for a private office use (non-school related) at 1903 Marquette Ave (Baker College), by Bethany Christian Services.
 - D. Hearing, Case 2021-16: Request to vacate the alley north of Holbrook Ave and east of Huizenga St, by Newkirk Electric Associates.
 - E. Hearing, Case 2021-17: Request for dimensional requirement departures for a proposed building at 450 W Western Ave, by Andrew Harris.
 - F. Hearing, Case 2021-18: Request for an amendment to the Harbour Towne Planned Unit Development to allow for a storage container to be placed at 2505 Marina View Point (Dockers).
 - G. Hearing, Case 2021-19: Request for a special use permit to expand a non-conforming structure no more than 30% at 1031 W Laketon Ave, by Sand Bar.
- IV. New Business
- V. Other
 - A. Updates on previous cases
- VI. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon 24- hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or

calling the following:
Ann Meisch, City Clerk
933 Terrace Street
Muskegon MI 49440

STAFF REPORT

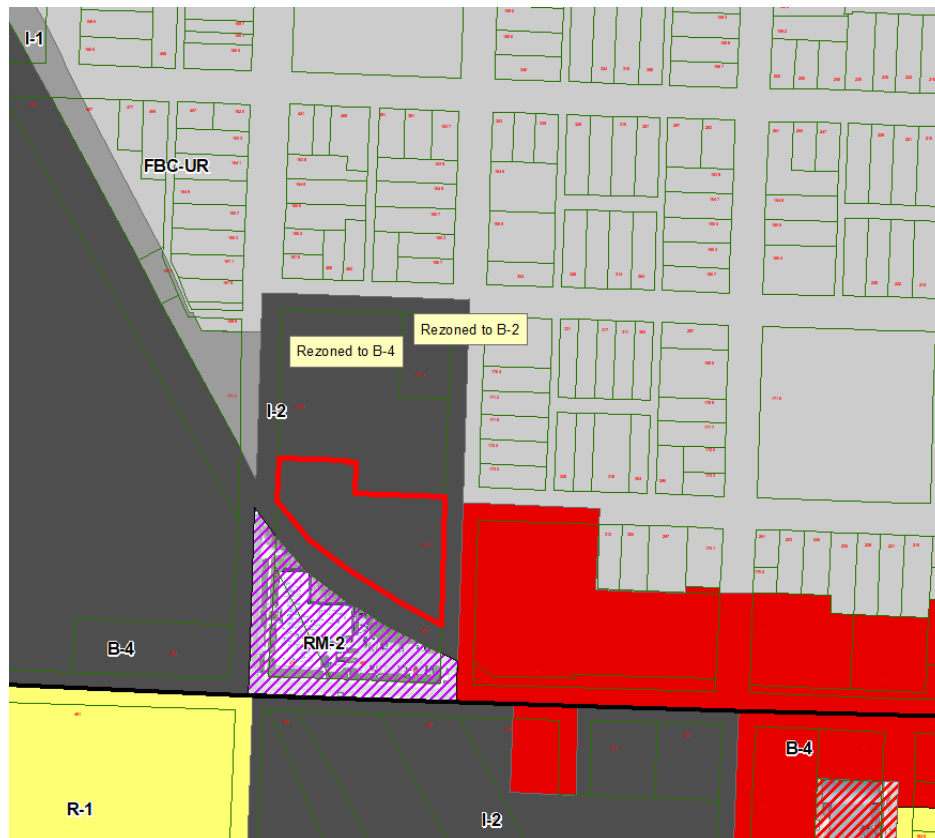
JUNE 10, 2021

Hearing, Case 2021-13: Request to rezone the property at 1747 7th St from I-2, General Industrial to B-4, General Business, by Muskegon Rescue Mission.

SUMMARY

1. The property measures 1.2 acres and has frontage on 7th St and Park St.
2. The Muskegon Rescue Mission is requesting a rezoning to B-4, General Business, in order to develop the property as a center for social services, childcare and training.
3. The property is adjacent to the Rescue Missions shelter at 400 W Laketon Ave.
4. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning. This section of the neighborhood is continuing to see a shift from industrial uses to more neighborhood friendly commercial/service uses, which is recommended by the Master Plan.

DELIBERATION

I move that the request to rezone the property at 1747 7th St from I-2, General Industrial to B-4, General Business be recommended to the City Commission for (approval/denial).

Hearing, Case 2021-14: Request for a special use permit to expand a non-conforming structure no more than

30% at 1683 Edgewater St, by Ron & Sherri Balaskovitz.

SUMMARY

1. The property is zoned R-1, Low Density Single Family Residential.
2. The lot measures a half acre and has 66' of frontage along Edgewater St.
3. The house does not meet the side setback requirement of six feet on the northern side. The chimney encroaches onto the adjacent property and the eaves appear to be on the property line. This makes the house a legally non-conforming structure.
4. The applicant is requesting to add a covered porch to the front of the house and would like to continue with the current non-conforming setback (zero lot line). The zoning ordinance states that a non-conforming structure may be expanded by no more than 30% with the issuance of a special use permit.
5. The existing house is 1,872 sf. The proposed addition is 372 sf (20% addition).
6. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had only received one comment. Ned Carter at 1741 Edgewater supports the proposed addition.

1683 Edgewater St



5/12/21
 *Emiled Planning & Zoning
 for Roof project

1683 EDGEWATER ST
 231 740-3026
 Sherri Balaskovitz



★ Yellow = CEMENT - elevation 586.2
 ● Green = ROOF OVERHANG
 Lot line

S.balaskovitz5@
 yahoo.com

STAFF RECOMMENDATION

Staff recommends approval of the request as long as the adjacent property owner does not have an objection.

DELIBERATION

I move that the for a special use permit to expand a non-conforming structure no more than 30% at 1683 Edgewater St be (approved/denied).

Hearing, Case 2021-15: Request for a special use permit to allow for a private office use (non-school related) at 1903 Marquette Ave (Baker College), by Bethany Christian Services.

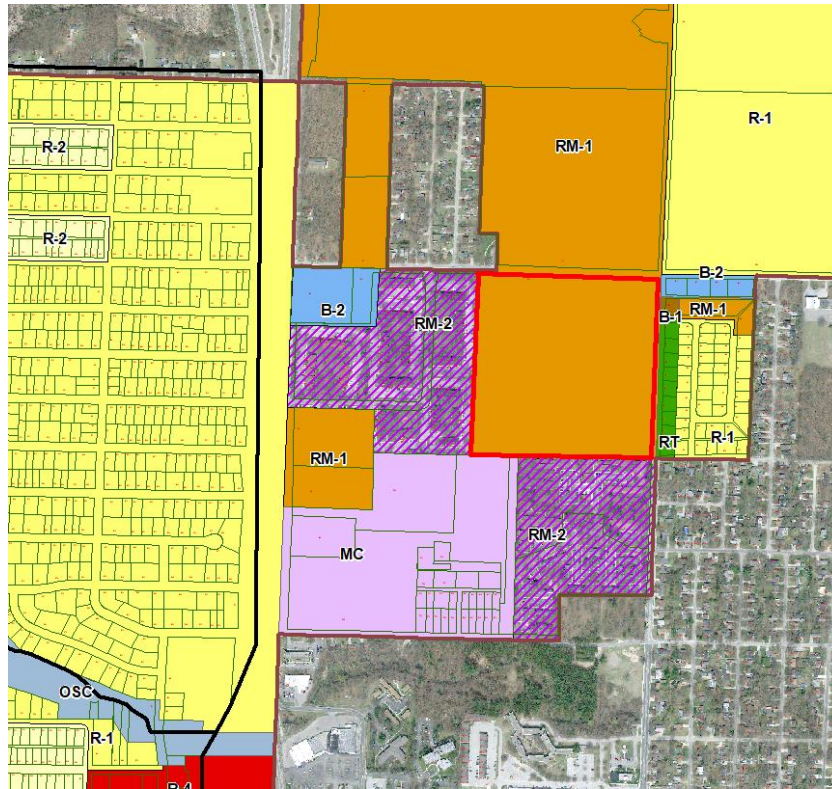
SUMMARY

1. The property is zoned RM-1, Low Density Multi-Family Residential. This zoning district allows colleges as a special use permit, however, the college was in existence before the ordinance was amended, so there is not a special use permit on file and the college is considered a legally non-conforming use. Offices are also allowed with the issuance of a special use permit.
2. The college is proposing to lease extra office space to Bethany Christian Services. They are proposing to lease building H (please see campus map on following pages).
3. The property measures 38.5 acres.

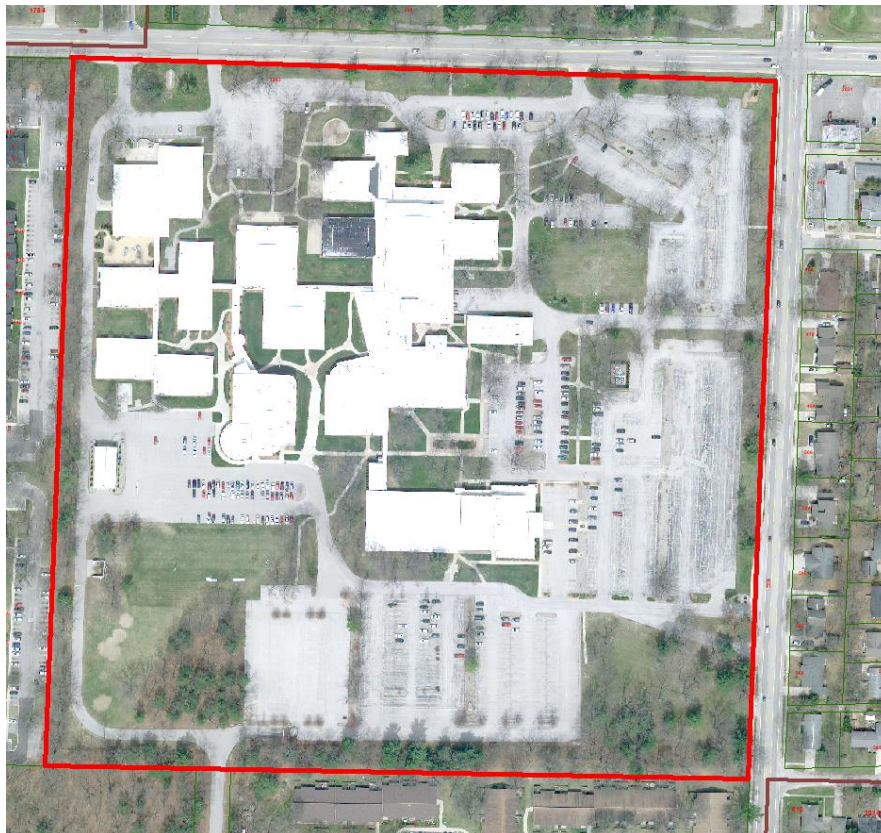
1903 Marquette Ave



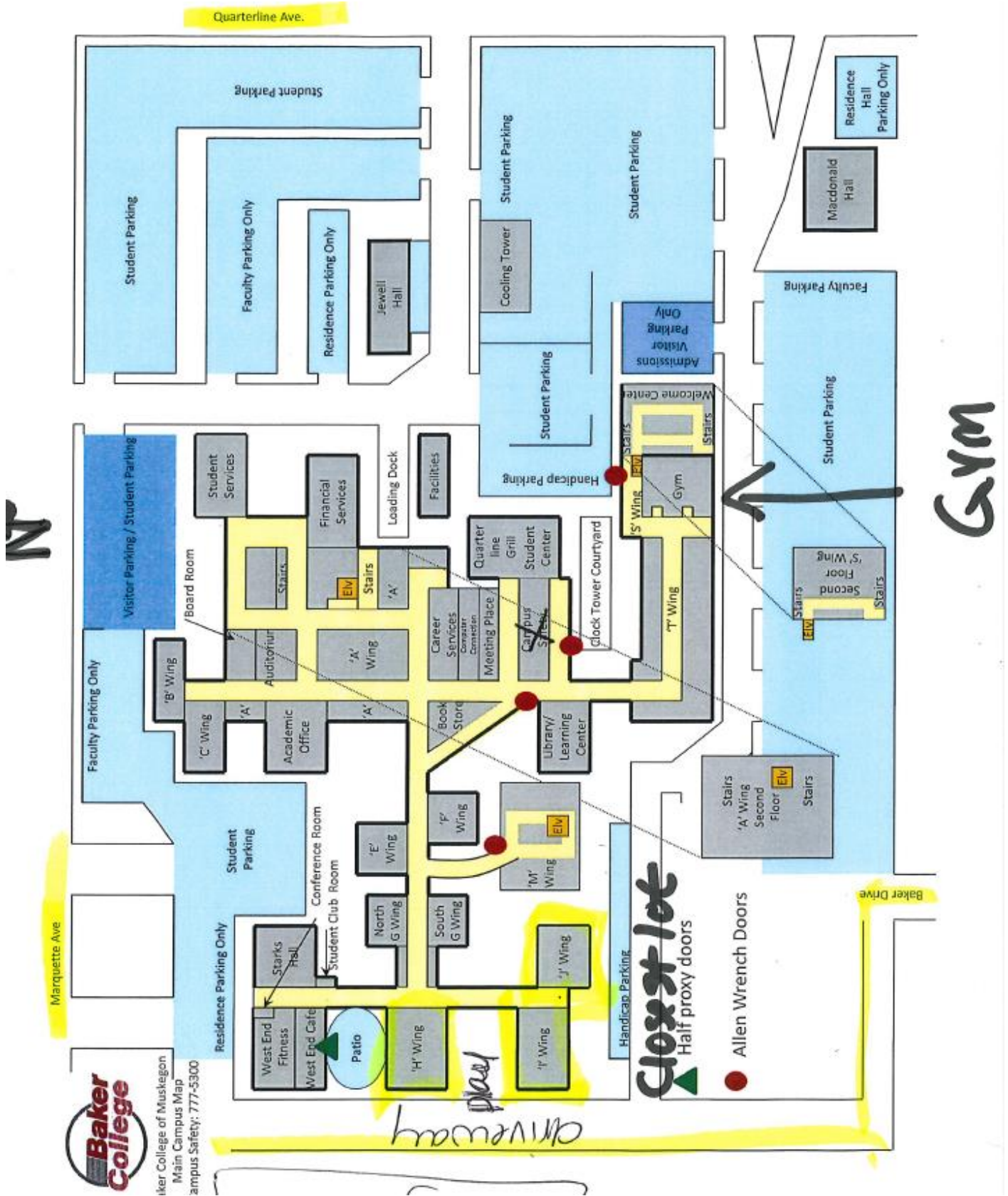
Zoning Map



Aerial Map



Campus Map



STAFF RECOMMENDATION

Staff recommends approval of the request. However, if more non-education related requests are made in the future, the college should consider a rezoning to a business district.

DELIBERATION

I move that the request for a special use permit to allow for a private office use at 1903 Marquette Ave be (approved/denied).

Hearing, Case 2021-16: Request to vacate the alley north of Holbrook Ave and east of Huizenga St, by Newkirk Electric Associates.

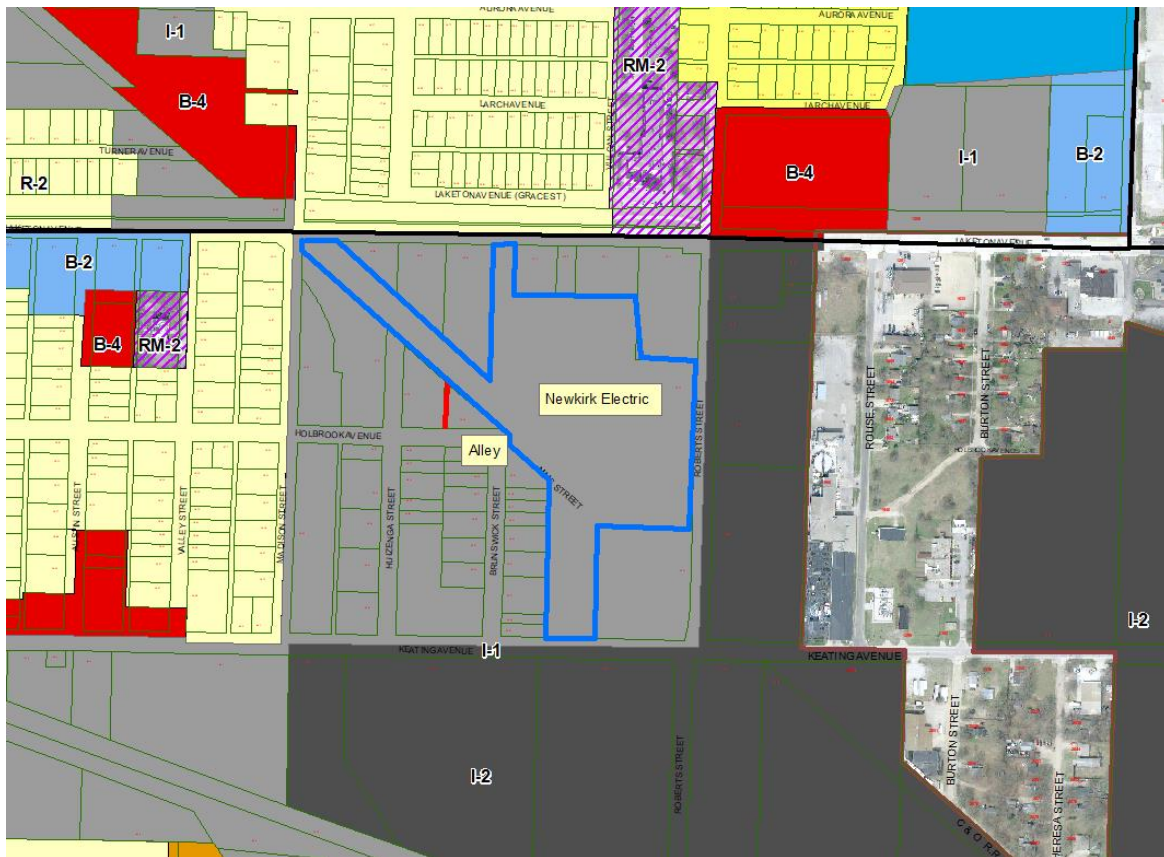
SUMMARY

1. This alley exists only on paper and does not function for traffic.
2. The applicant owns both properties that are separated by the alley.
3. The applicant is requesting to vacate the alley in order to expand outdoor operations.
4. The area is zoned for industrial and is part of the Medendorp Industrial Park.
5. Some of the outdoor storage areas are causing blight, visible from Laketon Ave, Roberts St and Keating Ave.





Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the request, contingent upon the applicant screening storage areas with a wooden privacy fence. It also appears that barbed wire, which is not allowed, has been installed on some of the newer fences.

DELIBERATION

I move that the request to vacate the alley north of Holbrook Ave and east of Huizenga St be recommended to the City Commission for (approval/denial) with the following condition:

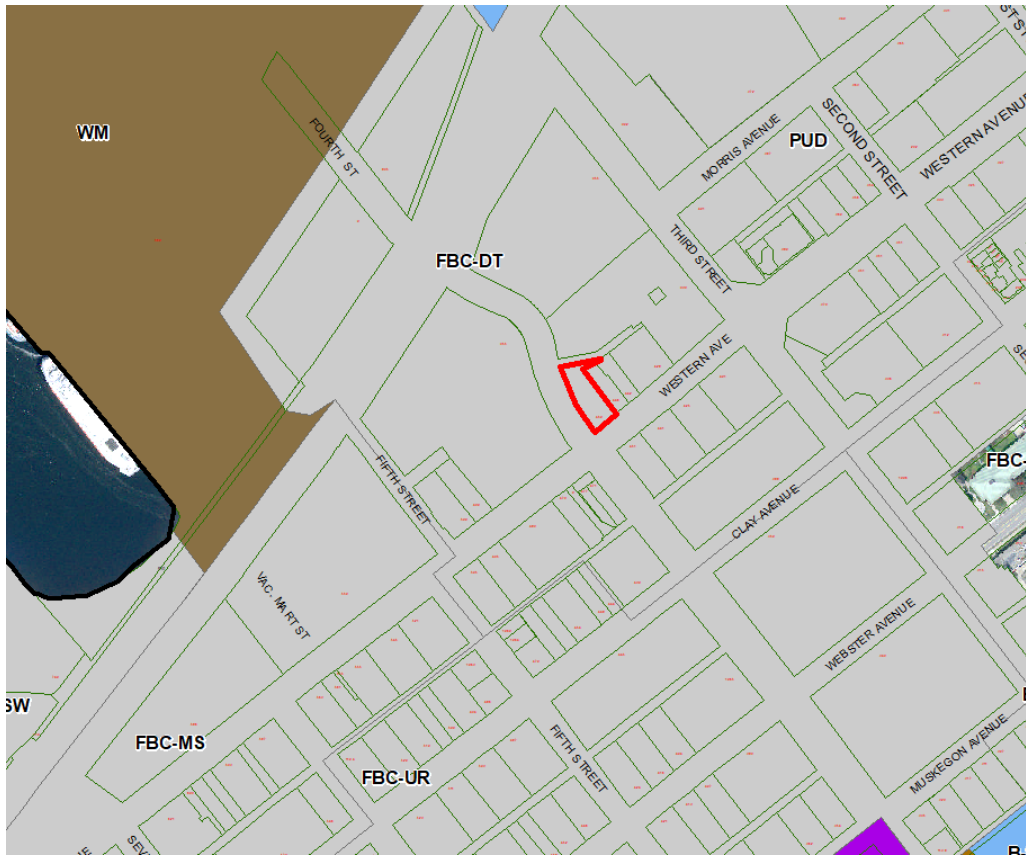
1. The applicant properly screens the outdoor storage from all vantage points on Laketon Ave, Roberts St and Keating Ave before approval is given.

Hearing, Case 2021-17: Request for dimensional requirement departures for a proposed building at 450 W Western Ave, by Andrew Harris.

SUMMARY

1. The property is zoned FBC, Downtown.
2. Staff has reviewed the plans and have determined that the following departures are needed:
 - a. To allow for a retail building type instead of a mixed-use building.
 - b. The building width at front street shall be built to a minimum of 90% of the overall width of the front street property line.
 - c. Building shall have a flat roof with parapet.
 - d. Building shall have a cornice expression line at roofline.
 - e. Height of parapet wall shall be between 12” minimum and 4 feet maximum, measured from roof line (no parapet wall).
 - f. The terrace is required to be placed at the build-to-line
 - g. Steps to access the terrace shall occur at intervals of not greater than 50 feet.
 - h. Terrace finish level above sidewalk shall be 42 inches maximum (no dimension provided).
 - i. Storefronts shall extend across eighty (80) percent of the overall length of the first story and shall be interrupted by the required 18” to 32” wide pilaster spaced as indicated by building type.
 - j. Entry door is required to be recessed three (3) feet to eight (8) feet from the facade wall of the building. The angled wall (the wall that connects the storefront to the door) in the recess area shall match the main storefront window.
 - k. Storefront window glass shall be eight (8) feet high minimum, measured from the adjacent grade of terrace (no dimension provided).
 - l. Transparency: Storefront frontage shall have 60% to 80% of the facade be windows between the top of the storefront base and bottom of sign band (or horizontal expression line). Entry door transparency shall be included as part of the required transparency calculation.
 - m. Required 18” to 30” high storefront base.
 - n. Overhead doors that replace storefront windows are required to meet the transparency requirements listed above.

Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the plan, with some modifications. Staff will be meeting with the applicant before the meeting to amend the plan. This is a unique parcel in the heart of the entertainment area of downtown and this pedestrian friendly development will encourage more pedestrian interaction among the arena and convention center.

Low walls of the terrace that are designed for seating are encouraged.

DELIBERATION

I move that the request for dimensional requirement departures as described in the staff report at 450 W Western Ave be (approved/denied).

Hearing, Case 2021-18: Request for an amendment to the Harbour Towne Planned Unit Development to allow for a storage container to be placed at 2505 Marina View Point (Dockers).

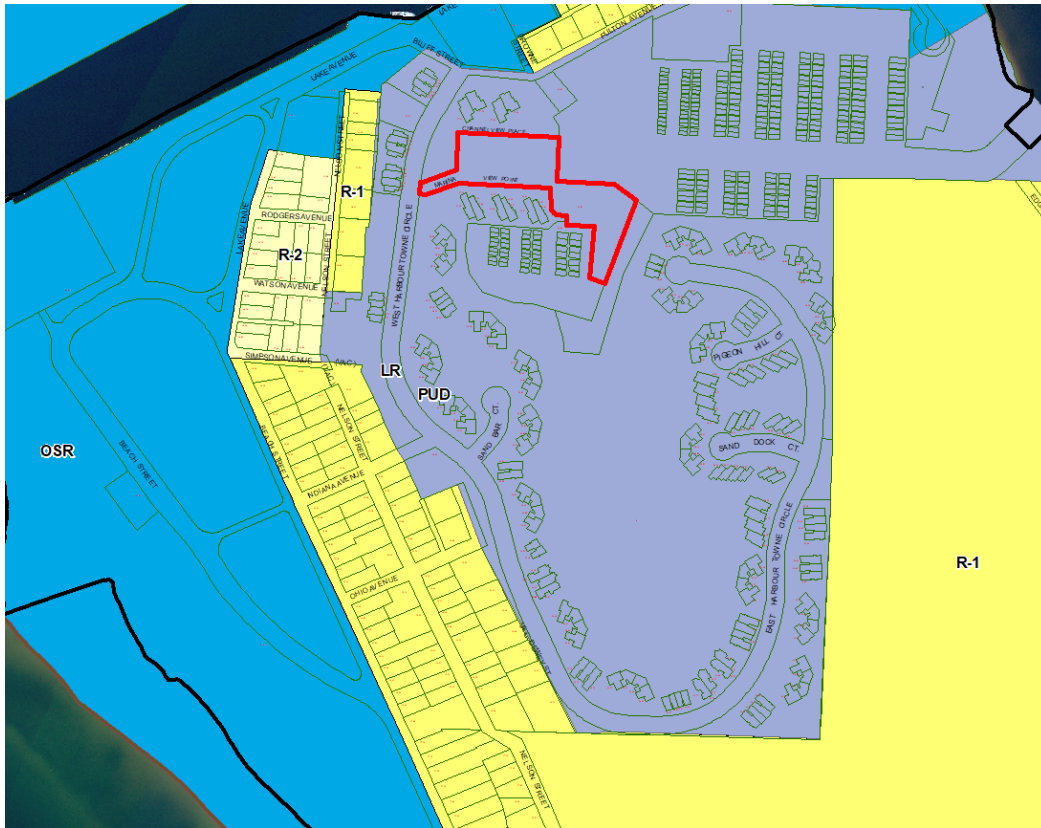
SUMMARY

1. The property is part of the Harbour Towne Planned Unit Development (PUD).
2. A storage building was not part of the original PUD, so it requires an amendment to the PUD.
3. The container is currently located on site and was being used temporarily during construction. The applicant is now in need for permanent storage for the restaurant facility. The applicant is proposing to paint the container and add murals to it as well.
4. The container is larger than 200 sf (320 sf), so the Inspections Department would require a building permit for it to become a permanent structure.
5. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had received one comment from Chris and Beth Cok, 1466 W Harbour Towne Cir who are opposed to a container and would prefer similar construction materials as used in the restaurant building.
6. Please see the enclosed site plan and rendering.

Current Picture of Container. Trailer to be Removed.



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the request as long as the trailer is removed.

DELIBERATION

I move that the request for an amendment to the Harbour Towne Planned Unit Development to allow for a storage container to be placed at 2505 Marina View Point be recommended to the City Commission for (approval/denial) with the following condition:

1. The trailer and any other items stored outdoors are removed.

Hearing, Case 2021-19: Request for a special use permit to expand a non-conforming structure no more than 30% at 1031 W Laketon Ave, by Sand Bar.

SUMMARY

1. The property is zoned B-4, General Business.
2. The structure is considered legally non-conforming because it does not meet the required 10 foot front setback on Franklin Ave. The current setback of the building is only about six inches.
3. The applicant is requesting to continue that non-conformity by constructing an addition to the building that would match the same front setback on Franklin Ave.
4. The zoning ordinance states that a non-conforming structure may be expanded by no more than 30% with the issuance of a special use permit.
5. The existing building measures 4,097 sf. The proposed addition is 1,500 sf. However, only 300 sf (30' x 10') of the addition would be considered in the required front setback.
6. There is currently a temporary sitting area on site that was allowed during the pandemic. This tent area would be removed in order to construct the addition.
7. A parking plan is currently being developed and will be presented at the meeting. An initial review shows that the site may be losing about nine parking spaces. The parking section of the zoning ordinance states that there must be one (1) space for every seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater. The building would be a total of 5,597 sf after the addition, but not all of it would be useable. More information will be presented at the meeting.
8. The former alley to the south has been vacated and appears to have been replatted at some point. This area now allows for access around the building and allows the addition to meet the required 10' side setback.
9. Commercial uses are required to screen themselves from residential areas with a privacy fence of at least five feet. There is no fence on site at the current location, but staff recommends requiring a fence as part of the approval.
10. A stormwater management plan has recently been submitted to the Engineering Department and is under review. More information will be presented at the meeting.
11. Notice was sent to applicants within 300 feet of the property. At the time of this writing, staff had received one comment from Dwayne Hekkema at 990 W Laketon Ave. Please see his comments enclosed.

Proposed location of addition



Property is located adjacent to residential and should be screened.



STAFF RECOMMENDATION

Staff recommends approval of the request as long as a shared parking agreement is made, the stormwater plan is approved by Engineering and a privacy fence is installed to screen from residential uses.

DELIBERATION

I move that the request for a special use permit to expand a non-conforming structure no more than 30% at 1031 W Laketon Ave be (approved/denied).